

ORDINANCE NO. **15-129**

**AN ORDINANCE APPROVING A TEMPORARY USE FOR LAUREL BMW OF WESTMONT TO TEMPORARILY PARK VEHICLES AT 650 WESTMONT DRIVE**

WHEREAS, the Village of Westmont is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, Westmont B. Imports, Inc. d/b/a Laurel BMW of Westmont ("Applicant") is the owner of real property located at 650 Westmont Drive, Westmont, Illinois (the "Subject Property"); and

WHEREAS, the Applicant owns and operates a BMW dealership on adjacent property located at 430 Ogden Avenue, Westmont, Illinois; and

WHEREAS, the Subject Property is improved with an existing building and was utilized previously by a former owner as a tennis and fitness club; and

WHEREAS, the Applicant proposes to temporarily park vehicle inventory from its adjacent automobile dealership inside a portion of the existing building upon the Subject Property and seeks temporary use approval for this proposed temporary use; and

WHEREAS, the proposed parking use is a permitted use under the Village's Zoning Ordinance and the temporary use complies with all other requirements of the Zoning Ordinance; and

WHEREAS, although the existing building upon the Subject Property contains a fire sprinkler in a portion of the building and fire alarm system, the fire sprinkler system is not Code compliant for the parking of vehicle inventory and there is no fire sprinkler system in the portion of the building where the vehicles will be parked on a temporary basis; and

WHEREAS, the Village of Westmont President and Board of Trustees desire to approve this temporary use and temporarily waive the fire sprinkler requirement, finding that the special conditions contained in this Ordinance will assist in protecting the Village, the Applicant, surrounding properties and the public due to this non-compliance with Code, and finding this approval will benefit the public and the Applicant by assisting the vital economic redevelopment and expansion of Westmont BMW.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, as follows:

Section 1: The above-stated recitals are hereby restated and incorporated into this Section 1 as though fully set forth herein.

Section 2: Pursuant to the provisions of Chapter 22, "Businesses," Article II, "Licenses", Section 22-33 and Article XI, "Temporary Uses," and Appendix A, "Zoning Ordinance, Article XIII, "Administration and Enforcement," Section 13.02 of the Westmont

Code of Ordinances, the Village President and the Village Board of Trustees hereby approve a temporary use for Westmont BMW to occupy and use the existing building located upon the Subject Property for the temporary parking of vehicle inventory. The Applicant is not required to install a Code-compliant fire sprinkler system for this temporary use period. This temporary use approval is subject to the following conditions:

- A. The temporary use time period shall run from the date of approval of this ordinance until June 1, 2016.
- B. No business offices or stationing of Applicant's employees inside the building upon the Subject Property is permitted during this temporary use period.
- C. No customers of the Applicant or members of the public shall be permitted by Applicant inside the building upon the Subject Property; Applicant's porters or other employees may enter and exit the building upon the Subject Property only for the purpose of driving vehicles in and out of the building.
- D. Aside from the temporary parking of vehicles on the Subject Property, no other automobile dealership activities shall occur on the Subject Property (such as customer visits, auto repairs, etc.), and no vehicle parts shall be stored within the building upon the Subject Property.
- E. No vehicles parked inside the building upon the Subject Property shall contain more than  $\frac{1}{4}$  tank of fuel.
- F. The existing fire sprinkler system shall be maintained by the Applicant and not disabled.
- G. The building shall be equipped with a Code-compliant fire alarm system which shall be operational and maintained by the Applicant.
- H. The Applicant may not store any hazardous materials within the Subject Property (other than fuel contained within the parked vehicles).
- I. The Applicant shall sign an indemnification agreement benefitting the Village, in a form approved by the Village Attorney.
- J. The Applicant shall submit preliminary plans for permanent improvements to the Subject Property for a new BMW dealership on or before December 31, 2015.

Section 3: The temporary license fee of \$25.00 contained in Section 22-39 of the Westmont Code of Ordinances is hereby waived.

Section 4: The Community Development Director is authorized and directed to issue a temporary certificate of occupancy to the Applicant for this temporary use upon the Subject Property pursuant to Chapter 18, Article X "Certificates of Occupancy," Section 18-553 "Temporary Certificates of Occupancy." The time limitation and bond requirement for temporary certificates of occupancy are hereby waived for this temporary use since the use will occur in an existing building.


Section 5: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 6: This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

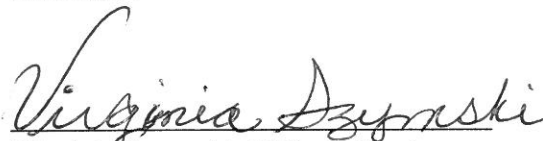
PASSED AND APPROVED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, this 23<sup>rd</sup> day of July, 2015.

Ayes: 6 Nays: 0 Absent: 0

APPROVED:

  
Ronald J. Gunter, Mayor

ATTEST:

  
Virginia Szynski, Village Clerk

